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Attorneys for Plaintiff  
**CRAIG YATES**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CRAIG YATES,

Plaintiffs,

CITY AND COUNTY OF SAN FRANCISCO; CITY OF SAN FRANCISCO UPTOWN PARKING CORPORATION; and DOES 1-50, Inclusive.

## Defendants

CASE NO. C07-04087 JSW  
Civil Rights

**[Proposed] ORDER DENYING  
DEFENDANTS' MOTION TO DISMISS  
AND MOTION TO STRIKE**

## Hearing:

Date: February 8, 2008  
Time: 9:00 AM  
Place: Courtroom 2, 17<sup>th</sup> Fl  
Judge: Hon. Jeffrey S. White

The Court having considered the timing of defendants' Motion to Dismiss and Strike Portions of the Complaint, and noting that defendants failed to obtain leave to file the motion, which they delayed the filing of until nearly four months after initial service of the complaint,

The Court strikes the motion from the calendar as untimely. Defendants shall file an

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1 Answer within 10 days of this order.

2 SO ORDERED.

3 Dated: \_\_\_\_\_

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5 HON. JEFFREY S. WHITE  
6 JUDGE OF U.S. DISTRICT COURT  
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***Certificate or Proof of Service by Mail, Fax or Personal Delivery***

I, the undersigned, say: I am and was at all times herein mentioned, a citizen of the United States and a resident of the County of Contra Costa, over the age of eighteen (18) years and not a party to the within action or proceeding; that my business address is Thimesch Law Offices, 158 Hilltop Crescent, Walnut Creek, California; that on the below date, following normal business practice, I caused to be served the foregoing document(s) described as:

**[Proposed] ORDER DENYING DEFENDANTS' MOTION TO DISMISS AND MOTION TO STRIKE**  
(Yates v. Union Square, et al., Northern District Case No. C07-04087 JSW)

on the interested parties in this action, by taking a true copy thereof and conveying as follows:

**AS INDICATED:**

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made, and that the foregoing is true and correct under penalty of perjury pursuant to the laws of the United States and the state of California. Executed this **January 18, 2008**, in Walnut Creek, California.

By:

  
\_\_\_\_\_  
TIMOTHY S. THIMESCH  
(Original signed)

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